

JUL 15 2003 5:00PM

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DATE: July 15, 2003
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TO: Examiner Justine R. Yu - Art Unit: 3764
The Patent and Trademark Office
SERIAL NO.: 09/9⁹2,967
FILE NO.: 920607-906875
FACSIMILE: 1-703-872-9326

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF

Eleanor L. Schuler, et. al.

SERIAL NO.: 09/27,967 ⁹ 992,967

FILED: November 14, 2001

FOR: DEVICE AND PROCEDURE TO TREAT
CARDIAC ATRIAL ARRHYTHMIAS

) Examiner: Justine R. Yu

) Group Art Unit: 3764

) Docket No.: 920607-906875

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Name of person signing Jamie L. Mueller
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RESPONSE TO OFFICE ACTION DATED APRIL 16, 2003

The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

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This application has been carefully reviewed in view of the Office Action of April 16, 2003. Claims 1-22 have been withdrawn from consideration, and claims 12-17 were rejected under 35 U.S.C. §102 (b) as being anticipated by Libin (4,632,095). The Examiner contends that Libin teaches the Applicants' method for treating cardiac atrial arrhythmias. The Applicants respectfully disagree with the Examiner's contention, and reconsideration is requested.

Libin does not teach a specific location to be targeted in order to control cardiac atrial arrhythmias. The Libin patent simply states that there are a number of points on the body, which if a vibrator is applied to them the body will begin to relax in those certain points. The Applicants' invention is directed at controlling cardiac irregularities. The Applicants' invention accomplishes this by focusing vibration on a "target zone" comprising afferent

nerves of the carotid body and sinus on the side of one's neck.

Libin discloses an attachment for a vibrator which is used to massage reflexology points with the usual vibrational frequencies produced by vibrators—generally about 300 pulses per minute. Libin does not use a specific vibrational frequency for medical treatment. Rather, the Libin device is used for pressure-point or muscle massage. The Applicants' invention is for specific medical treatment—cardiac atrial arrhythmias—and uses a specific frequency of vibrational rates—ideally 60-80 beats per minute. Further, the Applicants' invention does not teach the massaging of muscles for relaxation. Rather, the Applicants' invention uses specific vibrational frequencies to activate the afferent nerves that will travel to the medulla oblongata. The medulla will then instruct the heart atrial chambers to resume normal beat. electrical stimulator for tissue and nerve cell structures.

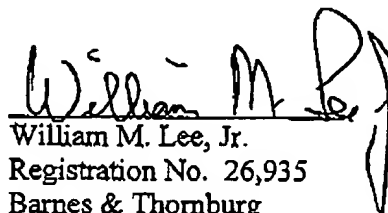
Claim 12 and 16, require a specific location on ones neck be targeted. The "target zone" is specifically laid out as being the area comprising afferent nerves of the carotid body and sinus on the right or left side of the human neck. The target zone is again specifically shown in Figure 2 of the application. Nothing of this nature is shown or suggested by Libin. The Libin patent merely states that the side or front of ones neck would be a good place to put a vibrator in order to relax one's neck, not to control cardiac atrial arrhythmia. Libin speaks of muscular relaxation, and does not even begin to address any cardiac treatment.

Claims 12 and 16 as originally filed, therefore are clearly not anticipated or rendered obvious by Libin. Further, because claims 13-15 and 17 are dependant on claims 12 and 16, these claims are not anticipated or rendered obvious by Libin, either.

In light of the foregoing remarks, the Applicants believe that claims 12-17 are allowable. Therefore, the Examiner is respectfully requested to withdraw the rejections set forth in the Office Action dated April 16, 2003 and allow this application to pass to issue.

Respectfully submitted,

July 15, 2003


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